

Notice of Allowability

Application No.

10/005,240

Examiner

Charles I. Boyer

Applicant(s)

WHILTON

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicants' response received June 21, 2005.
2. ☒ The allowed claim(s) is/are 1-13 and 15-17.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

**CHARLES BOYER
PRIMARY EXAMINER**

Charles Boyer

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In line 1 of claim 15, delete "Use according to claim 14" and insert –The method of claim 16—

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: Applicants have claimed a fabric treatment composition comprising a textile compatible carrier and water insoluble particles having a layered structure comprising oxygen atoms and silicon and/or phosphorus atoms, and comprising organic functional groups which are bonded to silicon and/or phosphorous atoms in the layers by direct covalent bonds between the silicon and/or phosphorus atoms and a carbon atom.

The closest prior art of Hanauer et al, US 4,742,039 teaches adsorbents based on organophyllosilicates that are suitable as additives for enhancing the washing action in detergents (see abstract). Applicants have stated for the record that this reference does not satisfy the claim limitations for the reasons set forth below:

Hanauer et al (US 4.742,039) discloses organophillic phyllosilicates (and not

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organophyllosilicates) that are organo clay particles in which the organic species (ammonium quat) sits in the interstitial spaces between the layers of the clay. Hanauer describes that this is achieved by ion exchange, in which the charge balancing hydrogen or metal cations initially present are preferentially exchanged for the charged ammonium compounds (column 4, lines 51-55, column 3, lines 48-50). That these cations are extraneous, and therefore not an integral part of the framework of the clay is disclosed at column 3, lines 45-48. Both natural and synthetic clays are disclosed, and while a synthesis of synthetic clays is described, the person skilled in the art is taught away from introducing organic species during the synthesis, see column 3, lines 53-55. Even if the skilled person did try out the process referred to at column 3, line 52 and described in detail at column 3, line 56 to column 4, line 33, "in the presence of small amounts of organic compounds" (column 3, lines 52-55), the organo clay resulting would only contain the organic compounds in the interstitial spaces, and not covalently bound to inorganic groups of the clay (as required by the present invention). Nowhere is a clay containing direct covalent bonds between the organic groups and the Si or P groups of the clay disclosed, only electrostatic bonds between the charged clay layer surface and the charged organic compound.

In light of these arguments, the rejection is withdrawn, and as no other prior art rejections remain, the present claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Charles I Boyer
Primary Examiner
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